IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4187 of 2005

Between:

Parry Monsanto Seeds Pvt.Ltd., having its registered office at 44/2A, Bellary Road, NH &, Hebbal,
Bangalore-560 092 rep., by its Authorised Signatory Sri Manoj Mahuli, s/o Sri Babu Rao, aged 38 years,
r/o Bangalore.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Department of Agriculture, rep., by the Commissioner &
Director of Agriculture, Andhra Pradesh, Hyderabad.
2 The Addl.Director of Agriculture-II and Licensing Authority, Office of the Commissioner & Director of Agriculture,
A.P.Hyderabad.
3 The Commissioner and Director of Agriculture, and Appellate Authority, Andhra Pradesh, Hyderabad
and Chairperson of the State Level MoU Committee.
4 The Joint Director of Agriculture, Ongole, Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling for the records relate to and quashing the order of the Appellate Authority dated 14-02-2005 of the 3rd respondent as also the order dated 29-10-2004 cancelling the licence passed by the 2nd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper

Counsel for the Petitioner:MR.M.S.SRINIVASA IYENGAR

Counsel for the Respondent Nos 1 to 4.: GP FOR AGRICULTURE

The Court at the stage of admission made the following :

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ORDER:.

Heard both sides and at their request this Writ Petition is taken up for disposal at the stage of admission.

In this Writ Petition, the petitioner is seeking a writ of Certiorari calling for records relating to and quashing the order of the Appellate Authority-3rd respondent dated 14.2.2005 as also the order dated 29.10.2004 passed by the second respondent, canceling the licence passed by the 2nd respondent.

The factual background need not be gone into. However, the undisputed fact is that the second respondent passed an order canceling the licence of the petitioner by an order dated 29.10.2004, against which the petitioner preferred an appeal to the third respondent who passed the impugned order dated 14.2.2005, confirming the orders passed by the second respondent.

As already pointed out, the facts need not be gone into at this moment. It is settled principle of law that any appellate authority, whether statutory or quasi judicial, shall pass an order while dealing with an appeal with reasons. The appeal is expected to be disposed of either by way of rejection or allowing the same with cogent and detailed reasons and whether the reasons given while disposing of the appeal do stand to the scrutiny by this court or not, is not material. What all required is the appellate authority shall apply its mind and examine the order in question, and pass appropriate order with reasons.

There is a basic difference between disposal of a revision and an appeal. The established principles of law are that, while rejecting a revision, reasons need

not necessarily be given whereas while disposing of an appeal, it is imperative to assign cogent reasons.

A bare perusal of the impugned order passed by the third respondent would only reveal that the contentions of both sides have been simply recorded number-wise, and eventually conclusion had been recorded in a laconic manner. This type of disposal of an appeal is something unknown and unheard of.

The third respondent, who is the appellate authority, should bear in mind these basic principles of law, particularly as to the manner in which appellate orders should be passed. This shows the perceptive capability of the third respondent while acting as an appellate authority.

For the aforementioned reasons, the impugned order dated 14.2.2005, passed by the third respondent is liable to be set aside and, accordingly, set aside.

It is further directed that the appellate authority shall consider the contentions advanced by both the parties and arrive at its just conclusion, upon application of mind, and dispose of the same in accordance with law.

With the above direction, this Writ Petition is allowed and the appeal is remanded back to the third respondent for fresh disposal as indicated above. The appeal shall be disposed of within a period of two weeks from the date of receipt of a copy of this order. No costs.

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D.S.R. VARMA, J

DATED: 22.03.2005

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Note: Furnish copy in two days.

To

1 The Commissioner and Director of Agriculture, Government of Andhra Pradesh, Department of Agriculture, Andhra Pradesh, Hyderabad.
2 The Addl.Director of Agriculture-II and Licensing Authority, Office of the Commissioner & Director of Agriculture,
A.P.Hyderabad.
3 The Commissioner and Director of Agriculture, and Appellate Authority, Andhra Pradesh, Hyderabad
and Chairperson of the State Level MoU Committee.
4 The Joint Director of Agriculture, Ongole, Andhra Pradesh.

5. 2 CCs to G.P. for Agriculture, High Court of A.P., Hyderabad (OUT).

3. 2 CD copies.

2) 1 CC to MR.SRINIVASA IYENGAR